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CONSULTING ENGINEERS
RADIO AND TELEVISION

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BY SECOND-DAY DELIVERY

June 29, 1994

Mr. William F. Caton
Secretary
Federal Communications Commission
1919 M Street, NW
Washington, DC 20554

Dear Mr. Caton:

Pursuant to Section 1.429 of the FCC Rules, enclosed is an original and 11 copies of a Petition for Reconsideration to the June 2, 1994, Report and Order to MM Docket 93-114, *In the Matter of Review of the Commission's Rules Governing the Low Power Television Service*. This Petition is filed within 30 days of the release of the Report and Order, and is therefore timely.

Sincerely,

Dane E. Erickson

tg

Enclosures (12)

cc: Mr. John H. Battison, P.E. (w/encl.)
Mr. L. Robert du Treil, P.E. (w/encl.)
Christopher D. Imlay, Esq., Booth, Freret & Imlay (w/encl.)
Howard F. Jaeckel, Esq., CBS Inc. (w/encl.)
Mr. Keith A. Larson, Chief, LPTV Branch (w/encl.)
Mr. Clay C. Pendarvis, Chief, TV Branch (w/encl.)
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Before the
FEDERAL COMMUNICATIONS COMMISSION JUL 01 1994
Washington, D.C. 20554

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In the Matter of)
)
Review of the Commission's) MM Docket No. 93-114
Rules Governing the Low Power)
Television Service)
)

To: The Commission

Petition for Reconsideration

The firm of Hammett & Edison, Inc., Consulting Engineers, respectfully submits this Petition for Reconsideration in the above-captioned proceeding relating to TV Translators and Low Power Television (LPTV) stations. Hammett & Edison, Inc. ("H&E") is a professional service organization that provides consultation to commercial and governmental clients on communications, radio, television, and related engineering matters.

I. Commission Erred in Labeling Comments of Hammett & Edison as Outside of the Scope of the Rulemaking

1. The June 2, 1994, Report and Order to MM Docket 93-114 claimed, at Page 13, Footnote 41, that H&E had "raised other issues not addressed in the Notice". The footnote summarized the H&E issues as pertaining to antenna azimuths, upgrading of existing LPTV or TV translator stations not operating on specified offsets, type acceptance, calculation of depression angle to the radio horizon, and calculations of distance and bearing. The Footnote concluded that all of these issues were not within the scope of the proceeding and would not be considered.
2. It is our considered opinion that the issues we addressed in our comments are *directly pertinent* to the scope of the rulemaking, which was "to re-examine our rules concerning the acceptance and amendment of applications" for the LPTV service [MM Docket 93-114 Notice of Proposed Rulemaking, Page 1, Paragraph 1, second sentence]. We had addressed questions of what technical methods and data should be required by the Commission to assume acceptability of applications.
3. The failure to consider pertinent comments by H&E is a disservice to the spirit of the Administrative Procedures Act, as well as an affront to the time spent by us in preparing detailed



Petition for Reconsideration: MM Docket 93-114

and good-faith comments. On many occasions at industry conventions, Commission staff members have verbally admonished the broadcasting industry, and consulting engineers in particular, to submit comments to Commission technical rulemakings, almost as a civic responsibility. So, having taken the time and expense to prepare detailed comments in a spirit of helpfulness, and then to have most of our comments unreasonably dismissed as beyond the scope of the rulemaking, we are prompted to file this Petition for Reconsideration.

II. Why our Neglected Comments are Within the Scope of the Rulemaking

4. Each of the suggestions in our Comments is pertinent to the acceptance of applications:

Antenna Azimuth

The orientation of directional antennas can be misinterpreted under present ambiguous rules. A simple clarification is needed and was suggested in our comments.

Loophole in Type Acceptance for Offset Frequency

Translator applications proposing offset frequency may not achieve a true frequency offset if guided only by the existing rules.

Definition of Angle to Radio Horizon

Applications must specify maximum proposed power toward the radio horizon, but the rules are not now clear as to how that vertical angle should be calculated.

Distance and Bearing Calculations

Applications are judged for rule compliance in some cases by conformity to mileage separation. The rules in Part 74 do not specify how distance and bearings are to be calculated. We recommended a simple fix for this oversight.

III. Commission Should Issue a Notice of Further Rulemaking

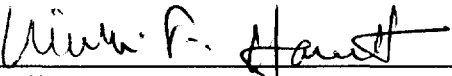
5. All of our comments related to the preparation, content, and analysis of TV translator and LPTV applications filed with the FCC. We urge the Commission to mitigate its incomplete decision by issuing immediately a Notice of Further Proposed Rulemaking, properly discussing the H&E comments, and pursuing the unresolved “major-change” issue. Even if the Commission concludes that no further rule changes are justified, at least it will have created a record discussing why the issues raised by H&E do not warrant rule changes and, in so doing, will provide much needed guidance to those who must prepare TV Translator and LPTV applications. H&E submits

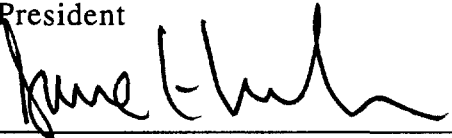


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that the outstanding ambiguous and conflicting Commission policies, as identified in the H&E June 1, 1993, comments, benefit neither the Commission, its staff, nor the public.

Respectfully submitted,

By 
William F. Hammett, P.E.
President

By 
Dane E. Ericksen, P.E.
Senior Engineer

Box 280068
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June 29, 1994



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